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NOVEMBER 9, 2017

The Honorable Steven I. Locke
United States District Court for the Eastern District of New York

Re: Defeo v. Leibstein, et al., No. 16 Civ. 5150 (SJF) (SIL)

Dear Judge Locke:

I represent Plaintiff Christopher Defeo in the above-captioned Section 1983 case alleging, among other things, false arrest and malicious prosecution against Defendants Guy Leibstein and Adcomm. Docket No. 5. As the Court may recall, Plaintiff alleges that Defendant Leibstein caused Plaintiff's false arrest and malicious prosecution by "giving advice and encouragement" to police ("SCPD") and "importuning" law enforcement to act against Defeo. Vlach v. Staiano, 604 F. App'x 77, 79 (2d Cir. 2015); see Docket No. 36 (discussing pertinent law). Leibstein did this with malice and to benefit Corporate Defendant Adcomm, which he owns and operates. Previously, this lawsuit named County Defendants as well, but those claims have been withdrawn and the case is presently about Leibstein's calculated efforts to personally harness and direct law enforcement power to harm Defeo through repeated and intentional misrepresentations to various authorities.

During the Court's November 7, 2017, discovery hearing with the Parties, Plaintiff explained to the Court his service of FRCP 45 subpoenas seeking SCPD information and the information's relevance to the case. Previously, Plaintiff served copies of the FRCP 45 subpoenas upon Defense Counsel and, during the hearing, no Defense objection was made as to the requested information's relevance. The Defense has also affirmatively represented to me in informal conference between the Parties that there is no such objection.

Earlier today non-party SCPD moved to quash a subpoena for police information. Docket No. 47. I write to request a brief extension to file an opposition on or before Thursday, November 16, 2017. This is five days from the quash motion's filing, and Your Honor's Individual Rule 4.A.i. normally requires my response within four days. I make this request because I am out of the office for most of those four days, and the brief extension will permit me the necessary time to prepare my client's position for the Court.

Thank you for your attention.

Sincerely,

A handwritten signature in blue ink that reads "Ryan Lozar".

Ryan Lozar